

III. REMARKS

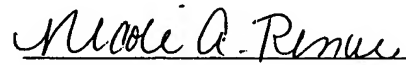
This second preliminary amendment has been made to delete claims and add new claims. The amendments have been particularly presented to avoid, where applicable, any admission or estoppel, generally, negatively effecting the scope of protection provided by the disclosure and claims of the present application, and particularly to avoid prosecution history estoppel, limitation of the scope of equivalences, or the like.

The Assignee cancels claims 39-87 without prejudice. The Assignee does not waive any right to have these claims examined without any restriction in breadth later during the prosecution of this application or perhaps even in a subsequent continuing application, if desired. It is noted that claims 39-87 were timely copied and meet the requirements under 35 U.S.C. § 135(b)(2) as reflected in the preliminary amendment filed September 27, 2006.

Assignee has added new claims 89-121. The newly added claims have been copied from U.S. Patent Application Publication No. US 2005/0244805 A1 to Ludwig et al., published on November 3, 2005, Application No. 11/092,313, filed March 29, 2005, and from the Amendment in Response to Restriction Requirement filed on September 11, 2006 in U.S. Application No. 11/092,313, in order to begin the examination analysis. The Assignee may submit details relative to suggesting an interference at a later date if or when deemed appropriate. Assignee respectfully requests that the Examiner of U.S. Application No. 11/092,313 be notified of such copying of claims. A similar amendment is also submitted by the Assignee in the following U.S. cases: 10/266,562, 11/536,492, and 10/433,183.

Dated this 2 day of November, 2006.

Respectfully Submitted,
SANTANGELO Law Offices, P.C.



Nicole A. Ressue
Attorney for Assignee
PTO Reg. No. 48,665
125 South Howes, Third Floor
Fort Collins, CO 80521
(970) 224-3100